IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6958 of 2005

Between:

K.Muniraja Reddy, s/o K.V.Munireddy,
r/o Maddanur Village and Mandal, Cuddapah District.

..... PETITIONER

AND

1 The District Collector, Cuddapah District.
2 The Mandal Parishad Development Officer, Maddanur, Cuddapah

District.
3 Smt. G. Nagamallamma, Sarpanch, Gram Panchayat Maddanur

(V and M) Cuddapah District.
4 The Panchayat Secretary, Muddanur Gram Panchayat, Cuddapah

District.
5 The District Panchayat Officer, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of writ of mandamus declaring the action of the 3rd respondent in deleting the Agenda Item No.80 for granting of permission for setting up of retail outlet in Sy.390/2B/3 in Maddanur Village is illegal, arbitrary and further direct the respondents to grant permission to setup the petroleum out-let in Sy.No.390/2B/3 at Maddanur Village.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for Respondent Nos.1 & 5: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondents 2 to 4: Mr. Dammalapati Srinivas

The Court made the following:

ORDER:

This writ petition is filed by Mr. K. Muniraja Reddy with a prayer to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in deleting Item No.80 for grant of permission for setting up of retail outlet in Sy.390/2B/3 in Maddanur Village, from the agenda is illegal, arbitrary and further direct the respondents to grant permission to setup the petroleum out-let in Sy.No.390/2B/3 at Maddanur Village.

The petitioner has given sworn affidavit in the writ petition. It is averred in the

affidavit that the petitioner applied for permission for setting up of retail outlet of petroleum products like MS/HSD/LUBS allied and other products of the ESSAR Oil Limited, Chennai. He obtained no objection certificate from the Fire Department and Police Department for setting up of retail outlet in Sy.No.390/2B/3 at Maddanur Village and Mandal, Cuddapah District in an extent of 120 x 120 feet. Thereafter, the District Collector addressed a letter to the Gram Panchayat of Maddanur Village through Mandal parishad Development Officer, Maddanur for grant of "No Objection Certificate". Accordingly, the Panchayat Secretary, Maddanur Gram Panchayat, placed the matter before the Gram Panchayat body for convening an emergency meeting on 9-5-2005. Item No.80 in the agenda relates to grant of "No Objection Certificate" to the petitioner for setting up a retail outlet. But the said Item came to be deleted from the agenda by the third respondent on 2.3.2005. Aggrieved by the action of the third respondent in deleting Item No.80, from the agenda the petitioner filed this writ petition.

Learned counsel for the petitioner submits that the third respondent deleted Item No.80 from the agenda without assigning any reasons. Hence the same is illegal, improper and arbitrary.

The learned counsel appearing for third respondent contends that it is purely a matter of business transaction in the Gram Panchayat and therefore, the petitioner has no cause of action in invoking the jurisdiction of this court under Article 226 of the Constitution of India.

Heard learned counsel for the petitioner and the learned counsel for the third respondent.

It is not in dispute that the District Collector addressed a letter to the Gram Panchayat, Maddanur through Mandal Parishad Development Officer, Maddanur to consider the representation of the petitioner. It is for the Gram Panchayat Maddanur to consider the representation of the petitioner. If the Gram Panchayat wants to raise any objection for establishing of retail outlet for petroleum products in Sy.No.390/2B/3, it is at liberty to raise, but, it cannot lie over the matter without considering the representation of the writ petitioner.

In the circumstances, I deem it appropriate to direct the Gram Panchayat, Maddanur Village, i.e., the fourth respondent herein, to consider the representation of the

petitioner with regard to establishment of retail outlet of petroleum products like MS/HSD/LUBS allied and other products of the ESSAR Oil Limited, Chennai, in Sy.No.390/2B/3, and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

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B. Seshasayana Reddy, J.

20th June, 2005.

Note: CC in one week

B/o

Js.

To

1 The District Collector, Cuddapah District.
2 The Mandal Parishad Development Officer, Maddanur, Cuddapah District.
3 The Panchayat Secretary, Muddanur Gram Panchayat, Cuddapah District.
4 The District Panchayat Officer, Cuddapah District.
5 Two CCs to G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad.
6 2 CD copies.